

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NOETIC SPECIALTY INSURANCE	§	
COMPANY n/k/a PROASSURANCE	§	
SPECIALTY INSURANCE COMPANY	§	
d/b/a NOETIC SPECIAL INSURANCE,	§	
	§	
<i>Plaintiff,</i>	§	CIVIL ACTION
	§	NO. 22-2398
v.	§	
	§	
B. BRAUN MEDICAL, INC., <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**O R D E R**

**AND NOW**, this 28th day of October, 2024, upon consideration of the motion for judgment on the pleadings filed by Plaintiff Noetic Specialty Insurance Company, ECF No. 37, as well as the cross-motion for judgment on the pleadings filed by Defendants B. Braun Medical Inc., B. Braun of America Inc., B. Braun CeGat, LLC, and B. Braun Interventional Systems Inc., ECF No. 41, and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that:

- (1) the motion for judgment on the pleadings filed by Plaintiff, ECF No. 37, is **GRANTED**;
- (2) the cross-motion for judgment on the pleadings filed by Defendant, ECF No. 41, is **DENIED**;
- (3) **JUDGMENT** is hereby **ENTERED** in favor of Plaintiff against Defendants on Plaintiff's Counts I and II and on Counts I, II, III, and IV of Defendants' counterclaim;
- (4) it is **DECLARED** that the Plaintiff has no duty to defend or indemnify Defendants in the litigation pending in: (i) the class action styled as *Mourad Abdelaziz v B. Braun Medical, Inc.*, Lehigh County Court of Common Pleas Case No. 2020-C-1984, and (ii) the individual actions described in Plaintiff's First Amended Declaratory Judgment Complaint, ECF No. 21; and

(5) this case is **CLOSED.**

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**JEFFREY L. SCHMEHL, J.**